

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MELVIN PARKER,

Plaintiff,

v.

WARDEN JEFF LYNCH, et al.,

Defendants.

No. 2:22-cv-2015 KJN P

ORDER

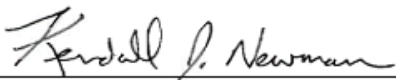
Plaintiff is a state prisoner, proceeding pro se and in forma pauperis, in an action brought under 42 U.S.C. § 1983. Plaintiff now requests that the court enter default judgment against defendant West. However, plaintiff's motion is premature. Clerk's entry of default was denied on June 23, 2023, because proof of service of summons had not yet been filed, and still has not been filed, by the U.S. Marshal. Plaintiff may not seek default judgment until defendant has been served with process and defendant's time to respond has expired without an appearance. Moreover, on June 23, 2023, defendant West filed an amended notice of intent to waive service. As a result, defendant West has thirty days from June 23, 2023, in which to respond to plaintiff's amended complaint. For all of these reasons, plaintiff's motion is denied without prejudice.

In addition, the court notes that there was a piece of envelope attached to plaintiff's motion that bears an address different from plaintiff's address of record. Local Rule 182(f) requires parties to file a separate notice of change of address so that the court and opposing

1 parties are notified there was a change of address. Id. Thus, simply including a different address,  
2 with no indication the address has changed, is insufficient. It is the plaintiff's responsibility to  
3 keep the court apprised of his current address at all times. In an abundance of caution, the court  
4 will change plaintiff's address based on his July 5, 2023 filing. However, in the future, plaintiff is  
5 required to file a separate document entitled "Notice of Change of Address" to properly inform  
6 the court and opposing parties of any such change. Pursuant to Local Rule 182(f), service of  
7 documents at the record address of the party is fully effective.

8 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion (ECF No. 38) is denied  
9 without prejudice.

10 Dated: July 10, 2023

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12 KENDALL J. NEWMAN  
13 UNITED STATES MAGISTRATE JUDGE

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